

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:11-CR-274-JAR (TCM)
)	
JAMES LOVE,)	
)	
Defendant.)	

ORDER

This matter is before the Court on Defendant’s Motion to Suppress Physical Evidence and Statements. [ECF No. 21] Pursuant to 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge Thomas C. Mummert, III, who filed a Report and Recommendation on September 25, 2012, recommending that Defendant’s motion to suppress be denied. [ECF No. 27] Defendant Love submitted his “Memorandum in Support of Defendant’s Objections to the Magistrate Findings and Recommendations” on November 26, 2012 [ECF No. 42] and the Government filed its “Response of the United States of America to Defendant’s Objections to the Magistrate Findings and Recommendations” on November 27, 2012. [ECF No. 43]


Defendant notes, and the Government agrees, that there is a misstatement in the Magistrate’s Report and Recommendation that “Both defendant and his wife testified that they voluntarily signed the forms.” (Doc. No. 26, p. 11) While Defendant’s wife testified that she freely signed the consent to search form, Defendant did not testify at the hearing. After de novo review of this matter, this Court finds that there was a valid consent to search, and adopts the remaining findings of fact in the Magistrate’s Report and Recommendation.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge [27] is **SUSTAINED, ADOPTED AND INCORPORATED** herein.

IT IS FURTHER ORDERED that Defendant's Motion to Suppress Physical Evidence and Statements [21] is **DENIED**.

Dated this 18th day of December, 2012.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE